

**NOTICE OF MODIFICATION ORDER
SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR THE PARISHES OF OULTON AND LOWESTOFT IN
THE DISTRICT OF EAST SUFFOLK**

**(a) SUFFOLK COUNTY COUNCIL (PARISHES OF OULTON AND LOWESTOFT)
MODIFICATION ORDER 2023**

**(b) SUFFOLK COUNTY COUNCIL (PARISH OF OULTON BRIDLEWAY 14)
MODIFICATION ORDER 2023**

The above orders made on 17 July 2023 if confirmed as made, will modify the definitive map and statement for the area by:

- (a) upgrading Oulton public footpath 4 from Ordnance Survey Grid Reference (OSGR) 65195,29486 (point A) to OSGR 65212,29374 (point C); Oulton public footpath 8 OSGR 65202,29442 (point B) to OSGR 65128,29407 (point G); Oulton public footpath 11 OSGR 65128,29398 (point H) to OSGR 65104,29360 (point J) and part of Lowestoft public footpath 12 from OSGR 65104,29360 (point J) to OSGR 65103,29351 (point I), to bridleway status as shown on the order map.
- (b) adding a bridleway from Ordnance Survey Grid Reference (OSGR) 65138,29409 (point E) to OSGR 65138,29385 (point F) as shown on the order map.

A copy of the orders and the order maps and an explanatory statement may be obtained by email or post free of charge by contacting David Last on tel: 01473 264770 or email: david.last@suffolk.gov.uk. They can also be viewed at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/definitive-map-and-statement/> or inspected at Oulton Broad Library, 92 Bridge Road, Oulton Broad, NR32 3LR. Opening times: Monday 10.00 to 13.00; Tuesday to Saturday 10.00 to 13.00 and 14.00 to 17.00; Sunday 11.00 to 16.00.

Any representation or objection relating to the orders must be sent in writing to the Definitive Map Manager, Rights of Way and Access, Suffolk Highways, Phoenix House, 3 Goddard Road, Ipswich IP1 5NP. Objections should be received not later than 23 September 2023, and applicants are requested to state the grounds on which they are made. Please bear in mind that such correspondence cannot be treated as confidential and may be inspected by any interested party. The Rights of Way and Access Privacy Notice can be viewed at: <https://www.suffolk.gov.uk/about/privacy-notice/rights-of-way-and-access-privacy-notice/>

If no representations or objections are duly made to an order, or to any part of it, or if any so made are withdrawn, Suffolk County Council, instead of submitting the order to the Secretary of State (or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the order (or that part of the order). If an order is submitted to the Secretary of State for the Environment, Food and Rural Affairs in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 11 August 2023



Nigel Inniss

Head of Governance, Suffolk County Council,
Endeavour House, 8 Russell Road, Ipswich, IP1 1BX

THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

**(a) SUFFOLK COUNTY COUNCIL (PARISHES OF OULTON AND LOWESTOFT)
MODIFICATION ORDER 2023**

**(b) SUFFOLK COUNTY COUNCIL (PARISH OF OULTON BRIDLEWAY 14)
MODIFICATION ORDER 2023**

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive legal evidence of the existence of public rights. Suffolk County Council is responsible for the definitive map and statement and has a duty to amend them when evidence suggests that they are inaccurate or incomplete. Such amendments are made by means of modification orders under section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until confirmed, and if there are any objections the County Council must refer the order and objections to the Department of Environment, Food and Rural Affairs in Bristol.

The County Council has been directed by an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs to make a modification order under Section 53 to upgrade three public footpaths in Oulton to bridleway status, and part of one in Lowestoft, and to add a bridleway, as detailed in these orders. The orders simply recognise the public rights that are believed to exist. The orders do not create any new public rights.

The evidence that has been considered may be consulted free of charge at the following locations:

By prior appointment at the offices of the County Council, Phoenix House, Goddard Road, Ipswich, IP1 5NP:

- Formal application with attachments dated 1 November 2021
- User evidence forms
- 1 inch Ordnance Survey Map 1837
- 25 inch Ordnance Survey Mapping (1st and 2nd County Series Editions)
- 1979 Definitive Map Review material
- Norwich Diocesan Board of Finance Ltd Highways Act 1980 section 31(6) Statement and plan for Oulton St Michael Glebe Land dated 10 August 2010 (Record ID1192) [Statement and Declaration Page \(suffolkpublicrightsofway.org.uk\)](http://suffolkpublicrightsofway.org.uk)
- Officer site visit photographs 15 June 2022
- Google Earth Aerial images
- Mr Bernard Warnes landowner information form dated 27 May 2022
- Mrs Sharon Corbin landowner information form dated 10 June 2022

- Emails dated 1 July 2022 and 7 July 2022 from Tony Rudd, valuer for East Suffolk Council
- Emailed letter dated 7 July 2022 and landowner information form dated 23 June 2022 from Alan Cole, Director of Property Services for the Church of England, Diocese of Norwich.
- Mr Richard Ayers landowner information form dated 15 July 2022
- Mr Kevin Hodgkin landowner information form dated 29 July 2022
- Email from Peter Bryant of Oulton Parish Council dated 15 June 2022
- Emailed letter with attachments from Howes Percival acting for Persimmon Homes dated 26 August 2022
- Email dated 13 September 2022 from Oulton Parish Council responding to the draft report

By prior appointment at The Hold, Suffolk Archives, 131 Fore Street, Ipswich, IP33 2AR:

- Oulton Inclosure Map and Award 1803 (IRO ref: B150/1/64)
- Oulton Tithe Map and Apportionment 1843 (IRO ref: FDB20/C1/2 map and apportionment at Lowestoft)
- Hodskinson's Map 1783
- Bryant's Map 1824/5
- Greenwood's Map 1825

Objections or representations relating to the orders must be made in writing by 23 September 2023 to the Definitive Map Manager, Suffolk Highways, Phoenix House, 3 Goddard Road, Ipswich, IP1 5NP. The Rights of Way and Access Privacy Notice can be viewed at <https://www.suffolk.gov.uk/about/privacy-notice/rights-of-way-and-access-privacy-notice/> To be relevant, objections or representations should relate to the question of the existence of status of rights of way. Other objections or representations (e.g. relating to privacy, security or amenity) are irrelevant to the evidential test.

The County Council is willing to discuss the concerns of those considering objecting or making representations relating to the orders, and you may contact David Last at the above address or by telephone on 01473 264770.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If there are no objections to an order, or if all objections are withdrawn, the County Council will confirm the order, and the definitive map and statement will then be modified. If there are any objections which are not withdrawn, the County Council must refer the order and objections to the Department of Environment, Food and Rural Affairs, who will appoint an independent Inspector to consider the order and hear the objections, normally by holding a public inquiry. The Inspector may confirm the order, with or without modifications, or may decide that the order should not be confirmed.

WILDLIFE AND COUNTRYSIDE ACT 1981

**DEFINITIVE MAP AND STATEMENT FOR THE PARISHES OF OULTON AND LOWESTOFT IN
THE DISTRICT OF EAST SUFFOLK**

SUFFOLK COUNTY COUNCIL (PARISHES OF OULTON AND LOWESTOFT)

MODIFICATION ORDER 2023

This Order is made by Suffolk County Council (the "Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act"), in accordance with a direction made to the County Council by an Inspector appointed by the Secretary of State under paragraph 4(2) of Schedule 14 to the Act, to modify the Definitive Map and Statement for the parishes of Oulton and Lowestoft in the district of East Suffolk in consequence of the occurrence of events specified in sections 53(3)(b) and 53(c)(ii) namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path; and the discovery of evidence which shows that a highway shown in the map and statement ought to be there shown as a highway of a different description.

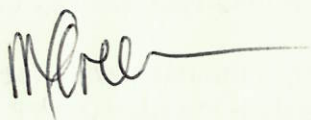
The Authority has consulted with every local authority whose area includes the land to which the Order relates. The Suffolk County Council hereby orders that:

1. For the purpose of this Order the relevant date is 1 June 2023.
2. The Definitive Map and Statement for the parishes of Oulton and Lowestoft in the district of East Suffolk shall be modified as described in Part 1 and Part 2 of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Suffolk County Council (Parishes of Oulton and Lowestoft) Modification Order 2023.

Date: 17 JULY 2023

The common seal of
SUFFOLK COUNTY COUNCIL
Was hereunto affixed

In the presence of



An authorised Officer of the Council

SCHEDULE

PART 1

Modification of Definitive Map

Description of footpaths to be upgraded bridleways:

There shall be upgraded to bridleway on the definitive map for Oulton in the district of East Suffolk three footpaths: from a point at OSGR 65195,29486 (point A) to OSGR 65212,29374 (point C); from OSGR 65202,29442 (point B) to OSGR 65128,29407 (point G) and from OSGR 65128,29398 (point H) to OSGR 65104,29360 (point J)

There shall be upgraded to bridleway on the definitive map for Lowestoft in the district of East Suffolk one part of a footpath from a point at from OSGR 65104,29360 (point J) to OSGR 65103,29351 (point I).

PART 2

Modification of Definitive Statement

Particulars of footpaths to be upgraded to bridleways:

Oulton Bridleway 4

Change the status of Oulton Footpath 4 to bridleway, retaining the existing statement and adding a definitive width.

Width:

3 metres between OSGR 65195,29486 (point A) and OSGR 65210,29387.

NB. In the absence of a specific width from the user evidence, 3 metres is considered to be a reasonable width allowing two equestrian users to pass for this section.

2 metres between OSGR 65210,29387 and OSGR 65212,29374 (point C).

NB. In the absence of a specific width from the user evidence, 2 metres is the available width between property boundaries which pre-date the user evidence for this section.

Oulton Bridleway 8

Change the status of Oulton Footpath 8 to bridleway, deleting the words: "at the rear of fat and bone works" from the first line of the statement and retaining the remainder of the statement except for the width.

Amend the definitive width to read:

Width: 3 metres

NB. In the absence of a specific width from the user evidence, 3 metres is considered to be a reasonable width allowing two equestrian users to pass.

Oulton Bridleway 11

Change the status of Oulton Footpath 11 to bridleway, retaining the existing statement and adding a definitive width.

Width:

Varying between a minimum of 3 metres and a maximum of 6 metres as shown on current Ordnance Survey Master map for the worn part of the track between OSGR 65128,29398 (point H) to OSGR 65104,29360 (point J).

Lowestoft Footpath 12

Delete from current description the words: “, then South to point of termination - Church Lane, Oulton”.

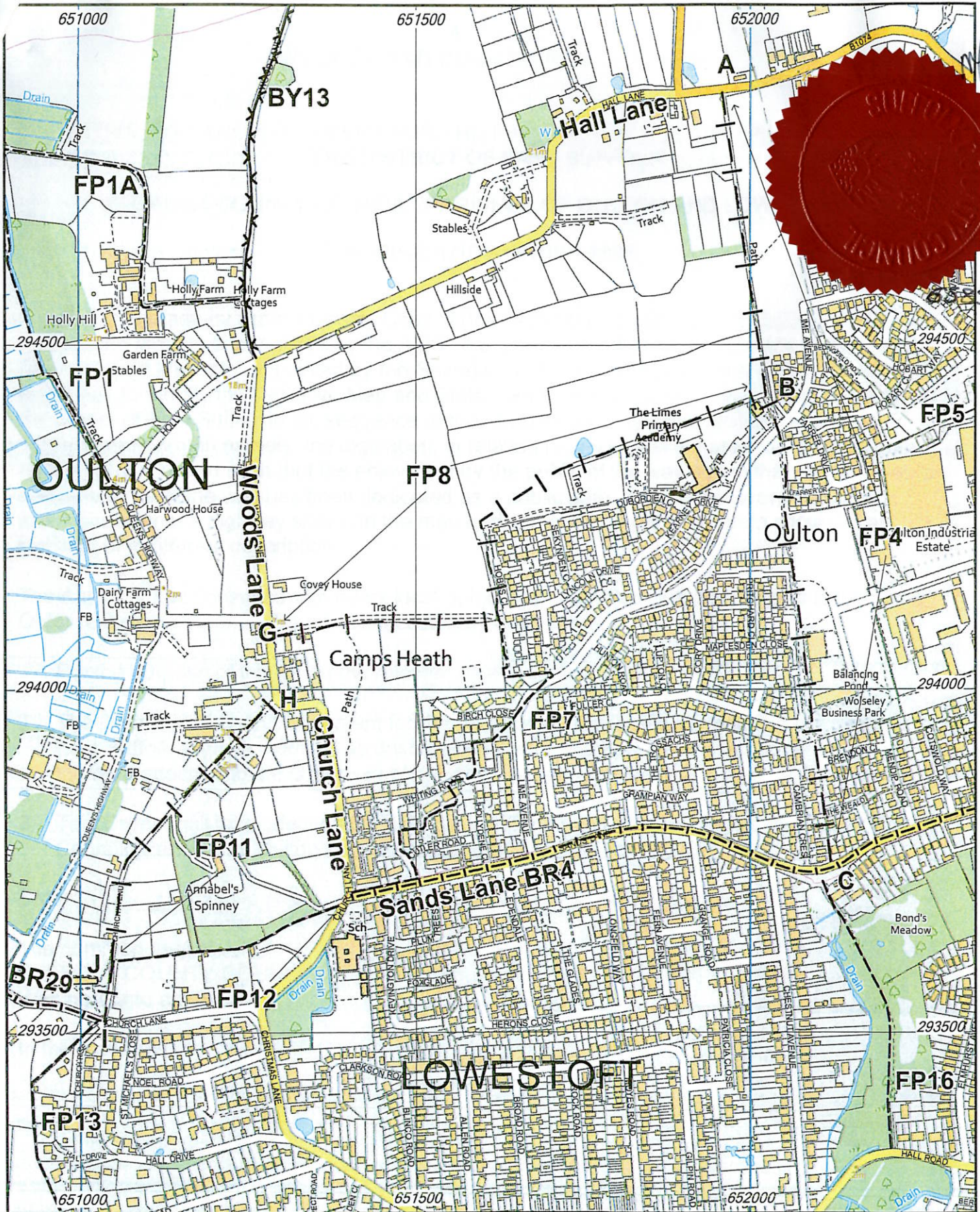
Lowestoft Bridleway 12

Commencing at a junction with Lowestoft footpath 12 and Oulton bridleway 11 at Ordnance Survey Grid Reference (OSGR) 65104,29360 (point J) and proceeding in a south south-westerly direction past the church for 88 metres to a junction with Lowestoft Bridleway 29 at OSGR 65103,29351 (point I).

Width:

3 metres alongside the church boundary.

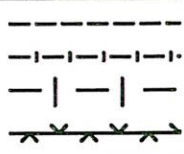
NB. In the absence of a specific width from the user evidence, 3 metres is considered to be a reasonable width allowing two equestrian users to pass.



PROPOSED PUBLIC FOOTPATH TO BRIDLEWAY UPGRADES - OULTON AND LOWESTOFT



Executive Director of Growth Highways and Infrastructure
 Endeavour House, 8 Russell Road, Ipswich, Suffolk. IP1 2BX



Ordnance Survey MasterMap

- Unaffected Public Footpaths
- Existing Bridleways
- Proposed FP upgrade to BR
- Existing Byway
- Definitive Map Parish Boundary

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Scale 1:7500

Filed at: